

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NICHOLAS LOMMA, and J.L., a Minor, :
by ANTHONY LOMMA, Guardian :

Plaintiffs, :

v. :

OHIO NATIONAL LIFE ASSURANCE :
CORPORATION, and OHIO NATIONAL :
LIFE INSURANCE COMPANY, :

Defendants. :

3:16-CV-2396
(JUDGE MARIANI)

FILED
SCRANTON

SEP - 6 2017

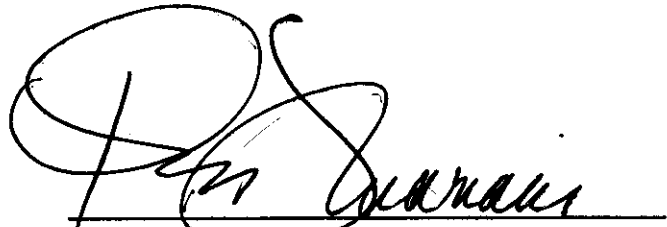
PER  CLERK

ORDER

AND NOW, THIS 6th DAY OF SEPTEMBER 2017, upon consideration of

Defendants Ohio National Life Assurance Corporation and Ohio National Life Insurance
Company's Motion to Dismiss, (Doc. 4), **IT IS HEREBY ORDERED THAT:** Defendants'
motion is **GRANTED IN PART AND DENIED IN PART** as follows:

1. Defendants' motion to dismiss Count I is **DENIED**.
2. Defendants' motion to dismiss Count II is **GRANTED**. Count II is **DISMISSED WITH PREJUDICE**.
3. Defendants' motion to dismiss Count III is **GRANTED**. Count III is **DISMISSED WITH PREJUDICE**.
4. Defendants' motion to dismiss Count IV is **DENIED**.
5. Defendants' motion to dismiss Count V is **DENIED**.



Robert D. Mariani
United States District Judge